

S/N 10/022,095

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This is in response to the non-final Office Action mailed on March 14, 2005. Applicants would like to thank the Examiner for indicating that claim 4 includes allowable subject matter. In this response, claim 6 is added. Claim 6 is substantially identical to allowable claim 4 rewritten in independent form. No new matter is added. Reconsideration and allowance are respectfully requested in view of the following remarks.

Claims 1-3 and 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 748 968 B1 ("EP '968") in view of Vignotto (U.S. Patent No. 5,090,236). This rejection is traversed, and reconsideration is respectfully requested for at least the following reasons.

Claim 1 recites a sealing device including, among other limitations, an annular housing for supporting and at least partially containing the phonic wheel, the annular housing axially opening towards the outer side of the bearing and including a shield which is made of a vulcanised rubber material arranged in such a way as to completely seal the phonic wheel and the housing.

The rejection states that EP '968 discloses a sealing device including a housing 45, 46 for supporting a sensor 48, and a shield 52. While this characterization of EP '968 is respectfully not conceded, it is noted that the rejection states that EP '968 fails to disclose a phonic wheel or a shield made of vulcanised rubber material, as recited by claim 1.

The rejection cites Vignotto as disclosing a phonic wheel 13 and a shield 16, and states that it would have been obvious to combine the phonic wheel 13 and shield 16 of Vignotto with the sealing device disclosed in EP '968. This combination is respectfully traversed for the following reasons.

Vignotto discloses a C-shaped phonic wheel 13 that is encapsulated in a rubber material 16. Vignotto, col. 2, ll. 36-40. There is no suggest how one skilled in the art could modify the structure disclosed in EP '968 (e.g., portions 45, 46) to accept the C-shaped phonic wheel 13 disclosed by Vignotto.

In addition, EP '968 discloses that portion 53 seals chamber 50 to "prevent dangerous interference." EP '968, col. 4, ll. 28-32. Even if portion 53 including sensor 48 of EP '968 could be replaced with C-shaped phonic wheel 13 and shell 16, it is respectfully suggested chamber 50 would no longer be sealed and sealing assembly 1 disclosed in EP '968 would no longer work for its intended purpose. See MPEP 2143.01.

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Further, assume for purposes of argument only that C-shaped phonic wheel 13 and shell 16 of Vignotto could be incorporated into portion 53 of EP '968 (i.e., replace sensor 48), it is respectfully suggested that portion 53 would interfere with the function of phonic wheel 13. See Vignotto, col. 2, ll. 40-45 (noting that shell 16 is formed with thin wall portion W to avoid altering signals transmitted by phonic wheel 13). Once again, such a combination would result in the phonic wheel 13 no longer functioning for its intended purpose. MPEP 2143.01.

It is therefore respectfully suggested that one skilled in the art would not be motivated to combine the disclosures of EP '968 and Vignotto. Reconsideration and allowance of claim 1, as well as claims 2-4 that depend therefrom, are respectfully requested.

Claim 5 recites a sealing device including an annular housing for supporting and at least partially containing the phonic wheel, the annular housing axially opening towards the outer side of the bearing and including a shield which is made of a vulcanised rubber material arranged in such a way as to completely seal the phonic wheel and the housing. Claim 5 is therefore allowable for at least reasons similar to those provided above with respect to claim 1.

Reconsideration and allowance of claim 5 are respectfully requested.

New claim 6 incorporates allowable subject matter from claim 4. Consideration and allowance are respectfully requested.

In view of the above amendments and remarks, claims 1-6 are in condition for allowance. Favorable reconsideration in the form of a Notice of Allowance is respectfully requested. The Examiner is encouraged to contact the undersigned attorney with any questions regarding the application.

Respectfully submitted,

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